

HOUSE BILL NO. 523

INTRODUCED BY BALYEAT, BOOKOUT-REINICKE, EVERETT, HARRIS, HURWITZ, KAUFMANN, LAKE,
RICE, SCHRUMPF, SINRUD, WAGMAN, WAITSCHIES

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE CLEAN CAMPAIGN ACT; REQUIRING CANDIDATES AND COMMITTEES SUPPORTING CANDIDATES OR BALLOT ISSUES TO PROVIDE CANDIDATES OR BALLOT ISSUE COMMITTEES IN PRIMARY AND GENERAL ELECTIONS WITH COPIES OF CERTAIN CAMPAIGN ADVERTISING ~~OR COMMENTARY~~ INTENDED TO BE DISTRIBUTED IN THE 10 DAYS PRIOR TO AN ELECTION; PROVIDING AN OPPORTUNITY FOR CANDIDATES OR BALLOT ISSUE COMMITTEES TO RESPOND; DIRECTING VARIOUS PRINT AND BROADCAST MEDIA TO PROVIDE ADVERTISING SPACE AT PREVAILING RATES FOR RESPONSE ADVERTISING; ~~AND~~ PROVIDING CIVIL PENALTIES FOR VIOLATIONS; AND AMENDING SECTION 13-37-128, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 4] may be referred to as the "Clean Campaign Act".

NEW SECTION. **Section 2. Fair comment period before election -- DEFINITION.** (1) A candidate, a political committee that has filed a certification under 13-37-201, ~~A POLITICAL ORGANIZATION DEFINED IN 26 U.S.C. 527;~~ and an independent political committee, ~~as provided for in 13-37-216(2);~~ shall AT THE TIME SPECIFIED IN SUBSECTION (3) provide to candidates or committees listed in subsection (2) any final copy of campaign advertising ~~or commentary~~ that is intended for public distribution in the 10 days prior to an election in print media, IN PRINTED MATERIAL, or by broadcast media, unless:

(A) substantially identical material already was published or broadcast; OR

(B) THE MATERIAL DOES NOT IDENTIFY OR MENTION THE OPPOSING CANDIDATE.

(2) The material must be provided to:

(a) all other candidates who have filed for the same office or who are INDIVIDUALLY identified or mentioned in the advertising ~~or commentary~~, EXCEPT CANDIDATES MENTIONED IN THE CONTEXT OF ENDORSEMENTS;

or

1 (b) any committee representing a ballot issue identified or mentioned by the advertising ~~or commentary~~,
 2 if the committee has filed a certification pursuant to 13-37-201.

3 (3) FINAL COPIES OF MATERIAL DESCRIBED IN SUBSECTION (1) MUST BE PROVIDED TO THE CANDIDATES AND
 4 COMMITTEES LISTED IN SUBSECTION (2) AT THE FOLLOWING TIMES:

5 (A) AT THE SAME TIME AS THE FINAL COPY OF THE MATERIAL IS PROVIDED TO THE A NEWSPAPER PUBLISHER FOR
 6 PUBLISHING PUBLIC DISSEMINATION;

7 (B) AT THE SAME TIME THE FINAL TRANSCRIPT IS PROVIDED TO THE PRODUCER FOR BROADCASTING
 8 BROADCASTER;

9 (C) IF THE MATERIAL IS DISSEMINATED BY DIRECT MAIL, ON THE DATE OF THE POSTMARK; OR

10 (D) IF THE MATERIAL IS PREPARED AND DISSEMINATED BY HAND, ON THE DAY THE MATERIAL IS FIRST BEING MADE
 11 AVAILABLE TO THE GENERAL PUBLIC.

12 (4) THE COPY OF THE MATERIAL THAT MUST BE PROVIDED TO THE CANDIDATES AND COMMITTEES LISTED IN
 13 SUBSECTION (2) MUST BE PROVIDED BY ELECTRONIC MAIL, FACSIMILE TRANSMISSION, OR HAND DELIVERY, WITH A COPY
 14 PROVIDED BY DIRECT MAIL IF THE RECIPIENT DOES NOT HAVE AVAILABLE EITHER ELECTRONIC MAIL OR FACSIMILE
 15 TRANSMISSION. IF THE MATERIAL IS FOR BROADCAST MEDIA, THE COPY PROVIDED MUST BE A WRITTEN TRANSCRIPT OF
 16 THE BROADCAST.

17 (5) FOR THE PURPOSES OF THIS SECTION, AN INDEPENDENT POLITICAL COMMITTEE IS A COMMITTEE THAT IS NOT
 18 SPECIFICALLY ORGANIZED ON BEHALF OF A PARTICULAR CANDIDATE OR THAT IS NOT CONTROLLED EITHER DIRECTLY OR
 19 INDIRECTLY BY A CANDIDATE OR CANDIDATE'S COMMITTEE IN CONJUNCTION WITH THE MAKING OF EXPENDITURES OR
 20 ACCEPTING CONTRIBUTIONS.

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 22 NEW SECTION. Section 3. Opportunity for response -- media obligation. (1) The print media and
 23 the broadcast media shall provide to a requesting candidate or political committee that has filed a certification
 24 under 13-37-201 an opportunity to respond if the candidate or political committee that has filed a certification
 25 under 13-37-201 requests an opportunity to counter new or modified advertising, ~~commentary, or news~~ that is
 26 published or broadcast within the 10 days prior to an election. The response opportunity must include the
 27 availability of response advertising paid at prevailing rates by either a candidate or a political committee that has
 28 filed a certification under 13-37-201.

29 (2) The response opportunity must be provided at the next practical publication or broadcast date
 30 requested by the candidate or a committee described in subsection (1).

